

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

TERRANCE HAZEL,

Case No. 3:20-cv-00428-LRH-CLB

Petitioner,

ORDER

v.

RUSSEL, et al.,

Respondents.

Petitioner Terrance Hazel has submitted what he has styled as a *pro se* habeas corpus petition (ECF No. 1). The petition is dismissed for failure to state a claim that is cognizable in federal habeas corpus.

Inmates in state custody pursuant to a state-court judgment who challenge their judgment of conviction or sentence on federal constitutional grounds may pursue a 28 U.S.C. § 2254 petition for writ of federal habeas corpus. Further, “relief is available to a prisoner under the federal habeas statute only if success on the claim would ‘necessarily spell speedier release’ from custody.” *Nettles v. Grounds*, 788 F.3d 992, 1001 (9th Cir. 2015); 28 U.S.C. § 2254. Here, however, petitioner claims that Northern Nevada Correctional Center personnel are not complying with COVID-19 pandemic safety protocols in deliberate indifference to serious medical and safety needs (ECF No. 1, pp. 3-4). Such a claim implicates petitioner’s Eighth Amendment rights under 28 U.S.C. § 1983. He also seeks to assert a claim under the Americans with Disabilities Act. *Id.* at 7-8. Therefore, the petition is dismissed for failure to state a claim for which federal habeas relief may be granted. This court notes the critical importance

1 of compliance with COVID-19 safety protocols in NDOC institutions. However, petitioner must
2 file a civil rights complaint if he wishes to pursue these claims.

3 **IT IS THEREFORE ORDERED** that the petition (ECF No. 1) is **DISMISSED** as set forth
4 in this order.

5 **IT IS FURTHER ORDERED** that a certificate of appealability is denied.

6 **IT IS FURTHER ORDERED** that the Clerk enter judgment accordingly and close this
7 case.

8 **IT IS FURTHER ORDERED** that the Clerk **SEND** to petitioner one copy each of the
9 prisoner application to proceed *in forma pauperis* and 42 U.S.C. § 1983 complaint form and
10 instructions, along with the papers he filed in this action.

11
12 DATED this 19th day of August, 2020.

13
14 
15 LARRY R. HICKS
16 UNITED STATES DISTRICT JUDGE
17
18
19
20
21
22
23
24
25
26
27
28